

(Chap. III.—*Duties and Powers of the Municipal Authorities: Secs. 72-73. Chap. IV.—Municipal Officers and Servants. Sec. 74.*)

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (1) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days, before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(2) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

(3) Provided that the standing committee may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section; and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Executive Engineer and Executive Health Officer.

Appointment of executive engineer and executive health officer.

74. (1) The corporation shall appoint fit persons to be municipal executive engineer and municipal executive health officer.

(Chap. IV.—*Municipal Officers and Servants.*
(Sec. 74.)

(2) Each of the said officers shall—

(a) be appointed for a renewable term of five years ;

(b) devote his whole time and attention to the duties of his office ;

[^a] (c) receive such monthly salary as the corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the municipal executive engineer shall not exceed rupees [^b] two thousand [^b] and shall not be less than rupees twelve hundred and the monthly salary of the municipal executive health officer shall not exceed rupees two thousand and shall not be less than rupees fifteen hundred ;

(d) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation :

(3) Provided that—

(e) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner ;

(f) the corporation may, in their discretion, appoint a person probationally for a limited period only, to either of the said offices, previous to appointing him for the full term of five years ;

(g) every appointment made under this section shall be subject to confirmation by the Governor in Council.

[^a] This clause was substituted for the original clause (c) by Bom. II of 1900, s. 1.

[^{b-b}] These words were substituted for the original words by Bom. V of 1903, s. 1.

(Chap. IV.—Municipal Officers and Servants.
Secs. 75-77.)

Time within which vacancy in office of executive engineer or executive health officer must be filled up.

75. (1) On the occurrence of a vacancy in the office of executive engineer or of executive health officer, an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by Government, within thirty days from the date of the receipt by the corporation of the order of Government.

(2) In default of an appointment being made by the corporation as aforesaid, the Governor in Council may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(3) Pending the settlement of an appointment under sub-section (1) or (2) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding^[a] the maximum permissible under clause (c) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed^[a] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

Municipal Secretary.

Appointment of municipal secretary.

77. (1) The standing committee shall from time to time appoint a fit person to be municipal secretary.

[a-a] These words were substituted for the original words by Bom. II of 1900, s. 1.

(Chap. IV.—*Municipal Officers and Servants.*
Sec. 78.)

(2) The municipal secretary shall be secretary of the corporation and also of the standing committee, and shall—

- (a) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee as shall be required of him by those bodies respectively;
- (b) have the custody of all papers and documents connected with the proceedings of—
 - (i) the corporation and any committee appointed by the corporation,
 - (ii) the standing committee and any sub-committee thereof;
- (c) devote his whole time and attention to the duties of his office;
- (d) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand, [a] and, after approved service of not less than seven years, to a sum not exceeding rupees twelve hundred; [a]
- (e) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the standing committee, with the approval of the corporation.

78. (1) The standing committee may from time to time—

- (a) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

Appointment of clerks and servants subordinate to the municipal secretary.

[a-a] These words were added by Bom. V of 1905, s. 7.

(Chap. IV.—Municipal Officers and Servants.
• • Secs. 79-80.)

- (b) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively ;
- (c) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, &c.,
of the said
clerks and
servants.

(2) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

Other Officers and Servants.

Schedule of
other officers
and servants
to be pre-
pared by the
Commissioner
and sanctioned
by the
standing
committee.

79. (1) The Commissioner shall, [a] from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

(2) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

Restriction of
employment
of permanent
officers and
servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections 74, 77, or 78, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

[a] Words repealed by Act XVI of 1895 are omitted.

(Chap. IV.—Municipal Officers and Servants.
Sec. 81.)

Leave of Absence, Acting Appointments, &c.

81. (1) The standing committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

Standing committee to frame regulations for grant of leave, &c.

- (a) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;
- (b) regulating the grant of leave to municipal officers and servants ;
- (c) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;
- (d) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;
- (e) regulating the period of service of all the said officers and servants ;
- (f) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or other relations dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances ;
- (g) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants.

(Chap. IV.—Municipal Officers and Servants.
Secs. 82-84.)

Such regulations to be subject to confirmation by the corporation, and, if made under clause (f), by Government.

(2) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (f), unless and until it has been confirmed by Government.

Power of appointment in whom to vest.

82. Except as is hereinbefore otherwise provided, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force prepared and sanctioned under section 79, vest in the Commissioner.

Power of suspending, punishing and dismissing in whom to vest.

83. (1) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed :

(2) Provided that—

(a) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the approval of the standing committee ;

(b) any officer appointed by the corporation may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation.

Leave of absence by whom to be granted.

84. (1) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him ; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary.

(Chap. IV.—*Municipal Officers and Servants.*
Sec. 85.)

(2) Leave of absence may be granted, subject as aforesaid, by the standing committee—

- (a) to any clerk or servant appointed under section 78 ;
- (b) for a period not exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner.

85. (1) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence : Acting appointments.

(2) Provided that—

- (a) when the executive engineer or the executive health officer is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation ;
- (b) any appointment of a person to act as executive engineer or as executive health officer may be disallowed by the Governor in Council, and from the time of being so disallowed shall be null and void ;
- (c) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(3) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions

(Chap. IV.—Municipal Officers and Servants;
 Sec. 86. Chap. V.—Municipal Property
 and Liabilities. Sec. 87.)

and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

*Disqualifications of Municipal Officers
 and Servants.*

Municipal
 officer or
 servant not
 to be interested
 in any con-
 tract, &c.,
 with the
 corporation.

86. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (h) and (k) of section 16 it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

Powers of
 corporation as
 to acquisition
 of property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the city.